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HOUSE BILL 485

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Mary Helen Garcia

AN ACT

RELATING TO EDUCATION; AUTHORIZING TEMPORARY ADMINISTRATION OF
A SCHOOL DISTRICT BY A LOCAL SCHOOL BOARD WHEN THE BOARD VOTES
NO CONFIDENCE IN A SUPERINTENDENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-5-4 NMSA 1978 (being Laws 1967,
Chapter 16, Section 28, as amended) is amended to read:

"22-5-4. LOCAL SCHOOL BOARDS--POWERS--DUTIES.--A local
school board shall have the following powers or duties:

A. subject to the rules of the department, develop
educational policies for the school district;

B. employ a local superintendent for the school
district, ~~and~~ fix the superintendent's salary and, in a
school district with an enrollment of greater than ten thousand
students, provide oversight and authorization of superintendent

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1 actions that affect district administrators;

2 C. review and approve the annual school district
3 budget;

4 D. acquire, lease and dispose of property;

5 E. have the capacity to sue and be sued;

6 F. acquire property by eminent domain pursuant to
7 the procedures provided in the Eminent Domain Code;

8 G. issue general obligation bonds of the school
9 district;

10 H. provide for the repair of and maintain all
11 property belonging to the school district;

12 I. for good cause and upon order of the district
13 court, subpoena witnesses and documents in connection with a
14 hearing concerning any powers or duties of the local school
15 board;

16 J. except for expenditures for salaries, contract
17 for the expenditure of money according to the provisions of the
18 Procurement Code;

19 K. adopt rules pertaining to the administration of
20 all powers or duties of the local school board;

21 L. accept or reject any charitable gift, grant,
22 devise or bequest. The particular gift, grant, devise or
23 bequest accepted shall be considered an asset of the school
24 district or the public school to which it is given;

25 M. offer and, upon compliance with the conditions

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1 of such offer, pay rewards for information leading to the
2 arrest and conviction or other appropriate disciplinary
3 disposition by the courts or juvenile authorities of offenders
4 in case of theft, defacement or destruction of school district
5 property. All such rewards shall be paid from school district
6 funds in accordance with rules promulgated by the department;
7 [~~and~~]

8 N. give prior approval for any educational program
9 in a public school in the school district that is to be
10 conducted, sponsored, carried on or caused to be carried on by
11 a private organization or agency; and

12 O. for a school district with more than ten
13 thousand students, submit the actions of a local superintendent
14 to a vote of no confidence, provide for suspension of the
15 superintendent upon a vote of no confidence and take over
16 temporary administration of the school district, when
17 appropriate."

18 Section 2. Section 22-5-14 NMSA 1978 (being Laws 2003,
19 Chapter 153, Section 25) is amended to read:

20 "22-5-14. LOCAL SUPERINTENDENT--POWERS AND DUTIES.--

21 A. The local superintendent is the chief executive
22 officer of the school district.

23 B. The local superintendent shall:

24 (1) carry out the educational policies and
25 rules of the [~~state board~~] department and local school board;

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1 (2) administer and supervise the school
2 district;

3 (3) employ, fix the salaries of, assign,
4 terminate or discharge all employees of the school district,
5 provided that such action pertaining to a school administrator
6 in the school district shall be subject to review and approval
7 by the local school board;

8 (4) prepare the school district budget based
9 on public schools' recommendations for review and approval by
10 the local school board and the department. The local
11 superintendent shall tell each school principal the approximate
12 amount of money that may be available for [~~his~~] the principal's
13 school and provide a school budget template to use in making
14 school budget recommendations; and

15 (5) perform other duties as required by law,
16 the department or the local school board.

17 C. The local superintendent may apply to the [~~state~~
18 ~~board~~] department for a waiver of certain provisions of the
19 Public School Code relating to length of school day, staffing
20 patterns, subject area or the purchase of instructional
21 materials for the purpose of implementing a collaborative
22 school improvement program for an individual public school.

23 D. Upon a vote of no confidence by a local school
24 board in a school district with more than ten thousand
25 students, the powers of the local superintendent shall be

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suspended."

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